

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 19, 2021

Council Members M.C. Keegan-Ayer, President; Michael Blue, Vice-President, Jerry Donald, Kai Hagen, Jessica Fitzwater, Phil Dacey and Steve McKay were present for the meeting.

Also present were Ragen Cherney, Chief of Staff, County Council; Catherine Keller, Assistant County Attorney; Sarah Ambrosio, Recording Secretary; and Nancy Luna, Executive Assistant, County Council.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 p.m. virtually via video conference.

Opening Statement from Council President M.C. Keegan-Ayer

Good Evening and welcome to the virtual meeting of the Frederick County Council. Today is Tuesday, January 19, 2021, and it is a legislative day for the County Council.

The Frederick County Council is continuing to conduct our meetings on-line during this time and it seems this may be the way we will be holding our meetings for the foreseeable future due to concerns about the spread of the COVID virus.

Our meetings are televised on Frederick County Government Channel 19, on Frederick County Government's website: www.FrederickCountyMD.Gov/FCGTV, and while we are meeting virtually, we will continue to use our software program which allows the public to watch and participate in our meetings. Please go to www.frederickcountymd.gov/councilmeetings in order to watch us on that format.

You may still send us comments via email at: (Councilmembers@frederickcountymd.gov), or by calling our office line (301) 600-1135 and leaving a voicemail message. Or using our virtual format, you may call toll free 855-925-2801 and enter meeting code 8365 to listen to our meetings live and to give public comment. I will be giving instructions for how to give public comment before each portion of our meeting when public comment will be received. As always, all comments received will be reflected in the minutes.

As a reminder during these virtual meetings, I will periodically stop to allow the members to ask any questions in a round robin type fashion, calling the council members by name to make sure the public is aware of which member has the floor.

As a continued caution to our Council Members – Please be respectful of each other's time and wait to be recognized before you begin to speak. Remember the microphone issue and please limit your questions to one at a time. I will come back around as often as necessary until all questions are heard.

To begin our meeting, I will start with a roll call vote to determine a quorum. Just

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respond with “here”. Again, going in alphabetical order: CM Blue, Dacey, Donald, Fitzwater, Hagen, and McKay. A quorum having been established, we will begin our meeting.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

Action on the Agenda

Council Member Michael Blue moved to approve the agenda as presented. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1. Due to technical difficulty, Council Member Kai Hagen was absent for the vote. He joined the meeting via Cisco WebEx after the vote.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen			X
Presiding Officer – Keegan-Ayer	X		

Public Comment was heard from:

- Yewande Oladeinde
- Ivania Amador
- Carol Antoniewicz
- Dr. Lakshami Darbha
- Jane Tamagna
- Kaitlin Moore

Business Items:

Budget Adjustments

- J-21-165 – Family Partnership, Citizens Services Division
- J-21-166 – Senior Services Division
- J-21-167 – Emergency Communications, Emergency Management Division
- J-21-170 – Sheriff’s Office
- J-21-171 – Sheriff’s Office
- J-21-175 – Child Advocacy Center, Citizens Services Division
- J-21-180 – Economic Development, County Executive’s Office

Council Member Steve McKay moved to approve Budget Adjustments J-21-165, J-21-

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166, J-21-167, J-21-170, J-21-171, J-21-175, and J-21-180 as presented. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Approval of Minutes from January 5, and January 12, 2021.

Council Member Jessica Fitzwater moved to approve the minutes from January 5, and January 12, 2021, as presented. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Confirmation of County Executive's Appointments to the Metropolitan Washington Council of Governments National Capital Region Transportation Planning Board – Alternate

Joyce Grossnickle, Administrative Officer, briefed the Council on the Metropolitan Washington Council of Governments National Capital Region Transportation Planning Board – Alternate.

Council Member Kai Hagen moved to approve Mark Mishler, to the Metropolitan Washington Council of Governments National Capital Region Transportation Planning Board – Alternate to terms as presented by staff. Council Member Steve McKay seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Budget Adjustment J-21-184 – FY 2021 Mid-year Budget Adjustment

Rick Harcum, Chief Administrative Officer, County Executive Jan Gardner and Kelly Weaver, Budget Director, County Executive's Office, presented information to the Council on Budget Adjustment J-21-184 – FY 2021 Mid-year Budget Adjustment.

Council Member Steve McKay moved to approve Budget Adjustment J-21-184 – FY 2021 Mid-year Budget Adjustment as presented. Council Member Jessica Fitzwater seconded the motion that passed 6-1.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey		X	
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Council took a break from 7:03 p.m. to 7:13 p.m.

Budget Adjustment J-21-182 – FY 2021 Transfer County Funding to Establish Resources for Continuing COVID-19 Response

Lori Depies, Division Director, and Ronni Putman, Accounting Team Leader, Finance Division, presented information to the Council on Budget Adjustment J-21-182 – FY 2021 Transfer County Funding to Establish Resources for Continuing COVID-19 Response.

Council Member Steve McKay moved to approve Adjustment J-21-182 – FY 2021 Transfer County Funding to Establish Resources for Continuing COVID-19 Response as presented. Council Member Kai Hagen seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Budget Adjustment J-21-181 – FY 2021 Establish FEMA Public Assistance COVID-19

Lori Depies, Division Director, and Ronni Putman, Accounting Team Leader, Finance Division, presented information to the Council on Budget Adjustment J-21-181 – FY 2021 Establish FEMA Public Assistance COVID-19.

Council Member Steve McKay moved to approve Budget Adjustment J-21-181 – FY 2021 Establish FEMA Public Assistance COVID-19 as presented. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

First Reading Calendar

At 7:27 p.m. Council President M.C. Keegan-Ayer passed the gavel to Council Vice President Michael Blue

To Consider Amending Chapter 1-19 of the County Code (Zoning Ordinance) to allow variances for nonconforming structures if certain conditions are met

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Council President M.C. Keegan-Ayer – on behalf of Administration, presented information on Amending Chapter 1-19 of the County Code (Zoning Ordinance) to allow variances for nonconforming structures if certain conditions are met.

To Consider Amending Chapter 1-2 of the Frederick County Code (Kari's Law) No. 20-19

Council President M.C. Keegan-Ayer – on behalf of Administration, presented information on Amending Chapter 1-2 of the Frederick County Code (Kari's Law) No. 20-19.

At 7:30 p.m. Council Vice President Michael Blue passed the gavel back to Council President M.C. Keegan-Ayer

Third Reading Calendar

Bill 20-18 – Immigrant Affairs Commission

Council Member Jessica Fitzwater moved to approve Bill 20-18 – Immigrant Affairs Commission as presented. Council Member Kai Hagen seconded the motion.

Council Member Steve McKay moved to approve Amendment 3 on Bill 20-18 – Immigrant Affairs Commission. Council Member M.C. Keegan-Ayer seconded the motion that passed 5-2.

AMENDMENT 3 on Bill No. 20-18

Introduced By: Council Member McKay (District 2)

Introduction Date: January 19, 2021

Adopted/Rejected/Withdrawn: Adopted 5:2

An ACT to establish an Immigrant Affairs Commission.

On Exhibit 1, Page 1, it is hereby amended as follows:

§1-2-500. Creation, Duties.

(C) Among its responsibilities and duties, the Commission shall:

- a. Advise the County Executive and County Council on ways to enhance and improve immigrant access to County services and resources; strengthen

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opportunities for immigrants to participate in civic life; encourage dialogue and understanding among immigrant communities and the non-immigrant community; advocate on behalf of immigrants; and provide outreach from and community feedback to the County Executive and County Council.

- b. Monitor, analyze, and make recommendations for existing or proposed policies and actions, at all levels of government, for their impact on immigrants.
- c. Assess, research, and compile data related to immigrant affairs in Frederick County, including:
 - i. addressing immigrant needs and concerns;
 - ii. bringing immigrant communities together for the purpose of collective engagement;
 - iii. access to and delivery of services and information tailored to immigrants;
 - iv. immigrant awareness of civil rights protections and related laws and;
 - v. economic and workforce development opportunities for immigrants.

D. THE COMMISSION’S SCOPE SHALL BE LIMITED TO MAKE RECOMMENDATIONS ONLY ON ISSUES AND GROUPS UNDER THE EXCLUSIVE AUTHORITY OF THE COUNTY GOVERNMENT. THE COMMISSION’S ACTIVITIES SHALL NOT INCLUDE ISSUES OUTSIDE OF THE AUTHORITY OF THE COUNTY GOVERNMENT, INCLUDING THOSE RELATED TO: THE FREDERICK COUNTY BOARD OF EDUCATION, THE FREDERICK COUNTY SHERIFF, THE MOTOR VEHICLE ADMINISTRATION, THE STATE’S ATTORNEY’S OFFICE, THE FREDERICK COUNTY CIRCUIT COURT, THE FREDERICK COUNTY DISTRICT COURT, FEDERAL IMMIGRATION POLICY OR IMMIGRATIONS AND CUSTOM ENFORCEMENT (ICE).

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer	X		

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Council Member Steve McKay moved to approve Amendment 4 on Bill 20-18 – Immigrant Affairs Commission. Council Member Phil Dacey seconded the motion that passed 6-1.

AMENDMENT 4 on Bill No. 20-18

Introduced By: Council Member McKay (District 2)
Introduction Date: January 19, 2021
Adopted/Rejected/Withdrawn: Adopted 6:1

An ACT to establish an Immigrant Affairs Commission.

On Exhibit 1, Page 1 & 2, it is hereby amended as follows:

§1-2-500. Creation, Duties.

(DE) On or before July 1 of each year, the Commission shall submit an annual report to the County Executive and County Council. The report should include assessment findings and recommendations as identified above. ~~(1) SIX MONTHS FOLLOWING THE FIRST MEETING, THE COMMISSION WILL PRESENT A STATUS REPORT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL. THE REPORT SHOULD INCLUDE ASSESSMENT FINDINGS AND RECOMMENDATIONS AS IDENTIFIED ABOVE.~~
(2) TWO YEARS [TWELVE MONTHS] FOLLOWING THE FIRST MEETING, THE COMMISSION WILL SUBMIT A [FINAL] STATUS REPORT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL. THE REPORT SHOULD INCLUDE ASSESSMENT FINDINGS AND RECOMMENDATIONS AS IDENTIFIED ABOVE. UPON SUBMISSION OF THIS REPORT, THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY SUBMIT QUESTIONS OR REQUESTS TO THE COMMISSION FOR ADDITIONAL INFORMATION. THE COMMISSION WILL HAVE EIGHT WEEKS TO RESPOND TO ANY REQUESTS. UPON COMPLETION OF THIS REVIEW, [IF THERE ARE NO QUESTIONS OR REQUESTS FOR ADDITIONAL INFORMATION OR AT THE END OF THOSE EIGHT WEEKS,] THE COUNCIL MUST VOTE WHETHER TO REAUTHORIZE THE COMMISSION [UNLESS REAUTHORIZED BY THE COUNCIL, THE COMMISSION SHALL BE DISMISSED AND DISSOLVED.]

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer	X		

Council Member Steve McKay moved to approve Amendment 5 on Bill 20-18 – Immigrant Affairs Commission. Council Member Phil Dacey seconded the motion that was then withdrawn unanimously by Council Members.

AMENDMENT 5 on Bill No. 20-18

Introduced By: Council Member McKay (District 2)
Introduction Date: January 19, 2021
Adopted/Rejected/~~Withdrawn~~: **WITHDRAWN 7:0**

An ACT to establish an Immigrant Affairs Commission.

On Exhibit 1, Page 1, 2, & 3, it is hereby amended as follows:

§1-2-501. Composition.

(A) Subject to the confirmation of the County Council, the County Executive must appoint the following individuals to serve on the Commission for a three-year term unless otherwise noted:

- a. Two immigrants residing in the County who are not representatives of an organization;
- b. Two representatives of the business community who are immigrants;
- c. Two representatives of community-based organizations serving immigrant populations in the County;
- d. Two representatives of a faith-based organization who are immigrants;
- e. One attorney with experience in immigration law;
- f. One representative from a law enforcement agency in the County;
- g. One representative from the County Citizen Services Division;
- h. One representative of Frederick County Public Schools;
- i. One representative of Frederick Community College;
- j. One representative from the Frederick County Health Department;

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One student member with a demonstrated interest in immigrant affairs to serve a one-year term on the Commission. The student's term may be extended for one year. The student member must be a high school or college student who resides in the County when initially appointed. This is a nonvoting appointment.

§1-2-502. Terms, Reappointments, Vacancies.

- (A) Members may be reappointed, but may not serve more than two full consecutive 3-year terms.
- (B) Vacancies shall be filled on the same basis as the original appointments for the unexpired terms. Members shall continue in office until their successors are appointed and qualified.

§1-2-503. Chair, Vice-Chair.

The Commission must elect a chair and vice-chair from among its members [~~to serve 1-year terms~~] **NO LATER THAN THE SECOND MEETING.**

§1-2-504. Meetings and Quorum.

- (A) The Commission shall meet with the frequency it determines necessary to perform its functions but there shall be no less than six meetings [~~annually~~].
- (B) A majority of the Commission members shall constitute a quorum for the transaction of regular business.
- (C) Any voting member[s] of the Commission who fail~~S~~ to attend at least 50% of the meetings [~~during any period of 12 consecutive months~~] shall be considered to have resigned. Subject to confirmation by the County Council, the County Executive shall appoint a replacement.

Council Member Steve McKay moved to approve Amendment 1 on Bill 20-18 – Immigrant Affairs Commission. Council Member Phil Dacey seconded the motion that was then withdrawn unanimously by Council Members.

AMENDMENT 1 on Bill No. 20-18

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Introduced By: Council Member McKay (District 2)
Introduction Date: January 19, 2021
Adopted/Rejected/**Withdrawn**: WITHDRAWN 7:0

An ACT to establish an Immigrant Affairs Commission.

On Exhibit 1, Page 1, it is hereby amended as follows:

§1-2-501. Composition.

(B) The following individuals shall serve as ex-officio, non-voting members with no terms assigned:

a. **THE COUNTY COUNCIL MEMBER SPONSORING THIS BILL** [~~A member of the County Council~~]; and

Council Member Steve McKay moved to approve Amendment 2 on Bill 20-18 – Immigrant Affairs Commission. Council Member Phil Dacey seconded the motion that passed 5-2.

AMENDMENT 2 on Bill No. 20-18

Introduced By: Council Member McKay (District 2)
Introduction Date: January 19, 2021
Adopted/Rejected/Withdrawn: ADOPTED 5:2

An ACT to establish an Immigrant Affairs Commission.

On Exhibit 1, Page 3, it is hereby amended as follows:

§1-2-507. County Staff.

A County staff member [~~shall~~] **MAY** be designated by the County Executive to assist and support the Commission.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		

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District 4 – Fitzwater		X	
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen		X	
Presiding Officer – Keegan -Ayer	X		

Bill 20-19 – Sign Modification in PUD and MDX

Council Member Kai Hagen moved to approve Bill 20-19 – Sign Modification in PUD and MDX as presented. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan -Ayer	X		

Public Comment was heard from:

- Ed Burrell
- Richard Kaplowitz

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 10:15 p.m.

M.C. Keegan-Ayer, President
County Council